



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,984	07/21/2006	Henrik Thorning	606-115-PCT-PA	8319
7590 07/08/2009				
Howard J. Klein Klein, O'Neill & Singh, LLP 43 Corporate Park, Suite 204 Irvine, CA 92606				
EXAMINER				
DAY, HERNG DER				
ART UNIT		PAPER NUMBER		
2128				
MAIL DATE		DELIVERY MODE		
07/08/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/550,984

Applicant(s)

THORNING, HENRIK

Examiner

HERNG-DER DAY

Art Unit

2128

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-14 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 26 September 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date 9/26/05
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-14 have been examined and rejected.

Priority

2. Acknowledgment is made of Applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). This application is the national stage entry, under 35 U.S.C. §371 (c), of International Application No. PCT/DK2004/000216, filed March 26, 2004, which claims priority benefit of EP Application No. 03388019.6, filed March 26, 2003.

Drawings

3. The drawings filed September 26, 2005, are objected to as failing to comply with 37 CFR 1.84(p)(4) because non-English wording are shown in Fig. 4a - Fig. 4g. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The disclosure is objected to because of the following informalities. Appropriate correction is required.
- 4-1. It appears that “higher than that”, as described in line 29 of page 11, should be “higher than that”.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:
- The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
6. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
- 6-1. Claim 5 recites the limitation, “said fittings of said additional list” in line 5 of the claim. There is insufficient antecedent basis for this limitation in the claim.
- 6-2. Claim 7 recites the limitation, “the cluster” in line 5 of the claim. There is insufficient antecedent basis for this limitation in the claim.
- 6-3. Claim 8 recites the limitation, “the cluster” in line 5 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Plaskoff et al., U.S. Patent Application Publication No. 2001/0032062 A1 published October 18, 2001, in view of Beall, U.S. Patent 4,983,453 issued January 8, 1991.

8-1. Regarding claim 1, Plaskoff et al. disclose a method of selecting and delivering a [[profiled, composite pulltruded]] element for a load-bearing structure, said method comprising:

- i) providing load requirements and dimensions of said load-bearing structure (depending on answers inputted by the customer in response to questions; paragraph [0058], lines 9-14; the room designer program, in one embodiment, can prompt the customer to input dimensions such as, e.g., length, width, dimensions of appliances, fixtures, and other useful dimensions, paragraph [0067], lines 5-9),
- ii) providing a computer having an internet connection, an input means and an output means (use an Internet browser to log on to a website, paragraph [0052], lines 1-6; the customer can be presented with a home page, paragraph [0053]), and a server including a homepage and having an internet connection (the contractor's website at, e.g., a contractor server computer, paragraph [0057], lines 4-9), said server further including a database including a list of [[profiled, composite pulltruded]] elements (the customer can select from lists of options, paragraph [0056], lines 8-9) and a calculation program for calculating the load capability of any of said [[profiled, composite pulltruded]] elements of said list and having any specific dimensions, and said homepage having links to said database and to said calculation program (The BATHFINDER expert system of step 236, can use an artificial intelligence inference

engine and/or knowledge base to arrive at a recommended room design, paragraph [0058], lines 9-14),

iii) addressing said homepage and selecting from said list of [[profiled, composite pulltruded]] elements included in said database a specific [[profiled, composite pulltruded]] element and defining specific dimensions thereof corresponding to said dimensions of said load-bearing structure (the customer agrees to take one of the recommended rooms, paragraph [0059], lines 6-8),

iv) addressing said calculation program from said homepage for calculating the specific load capability of said specific [[profiled, composite pulltruded]] element of said specific dimensions and performing a comparison for comparing said specific load capability with said load requirements of said structure for determining whether or not said load requirements be fulfilled or not (the customer can verify the selections of the room design, paragraph [0061], lines 1-2),

v) forwarding a positive validation response from said calculation program via said homepage provided said comparison in step iv) establishes the fulfilment of said load requirements *or* in the alternative, provided said comparison in step iv) establishes the non-fulfilment of said load requirements, forwarding a negative validation response and said calculation program selecting an alternative [[profiled, composite pulltruded]] element from said list and having said specific dimensions, and calculating the load capability thereof for comparison with said load requirements for selecting an alternative [[profiled, composite pulltruded]] element from said list fulfilling said load requirements and having said dimensions and forwarding data identifying said alternative [[profiled, composite pulltruded]] element along

with said negative validation response to said computer (the customer verifies and approves the selections, paragraph [0061], lines 2-4),

vi) output of said positive validation response or in the alternative said negative validation response together with said data from said computer (the customer verifies and approves the selections, paragraph [0061], lines 2-4),

vii) returning an order to said homepage for the delivery of said specific [[profiled, composite pultruded]] element or in the alternative said alternative [[profiled, composite pultruded]] element (the renovation order as created ... be sent to a sales department of the renovation system, paragraph [0074], lines 1-4), and

viii) delivery of said specific [[profiled, composite pultruded]] element or in the alternative said alternative [[profiled, composite pultruded]] element from a factory (construction and installation can begin. ... In one embodiment, the contractor can guaranty completion within a set time period, paragraph [0078], lines 1-6).

Plaskoff et al. fail to expressly disclose using the element is a profiled, composite pultruded element.

Beall discloses, "Pultruded products are used in a great variety of applications. In many places they have replaced metallic construction materials, particularly those used in highly corrosive environments. Structural beams, floor gratings, handrails, ladders, and many similar products are now made by a pultrusion process." (Beall, column 1, line 33-38)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Plaskoff et al. to incorporate the teachings of Beall because,

as suggested by Beall, pultruded products are particularly used in highly corrosive environments such as in bathroom.

8-2. Regarding claim 2, Plaskoff et al. further disclose comprising:

said calculation program selecting, provided said comparison in step iv) establishes the non-fulfilment of said load requirements, in step iv) an alternative dimension of said specific profiled, composite pultruded element and calculating the load capability thereof for comparison with said load requirements for selecting an alternative dimension of said profiled, composite pultruded element fulfilling said load requirements and forwarding data identifying said alternative dimension of said profiled, composite pultruded element along with said negative validation response to said computer for output of said validation response from said computer (the customer can make changes as necessary to the selected design including modifying dimensions, materials, and other features of the renovation construction project design, paragraph [0063], lines 3-6).

8-3. Regarding claim 3, Plaskoff et al. further disclose said step i) comprising a plurality of sub steps including:

defining a static system (several high level depictions of floor plans can be displayed to the customer, paragraph [0065], lines 3-6),

defining a combination of loads on said load-bearing structure (additional more specific layouts of rooms similar to the high level room depiction, can be displayed, but, e.g., can be illustrated in different orientations, and variations, paragraph [0065], lines 21-26), and

providing a definition of support of said load-bearing structure including a definition of simple or elastic support, fixation or set-up or alternatively Charnier or hinged suspension (the

customer can select the depiction of the room that most closely represents the room “as built” or as desired to be “as renovated.”, paragraph [0065], lines 26-29).

8-4. Regarding claim 4, Plaskoff et al. further disclose said database further including an additional list of fittings to be used in combination with said profile, composite pulltruded elements and said calculation program calculating the load capability of any of said fittings of said additional list in combination said specific profiled, composite pulltruded element determined in step iv) and v) (the customer can be prompted to select other optional features for the room in an upgrade step, paragraph [0071], lines 1-13).

8-5. Regarding claim 5, Plaskoff et al. further disclose said database further including a supplementary list of glue connections or bolt connections, and said calculation program calculating the load capability of said glue connection or bolt connection of any of said profiled composite pulltruded elements in combination with such connection and/or in combination with any of said fittings of said additional list (the customer advantageously, in one embodiment, can select materials for the renovation construction project including, e.g., appliances, cabinetry, fixtures, tile, and other materials required in renovating the selected room, paragraph [0067], lines 17-21).

8-6. Regarding claim 6, Plaskoff et al. further disclose comprising said database having said list of profiled, composite pulltruded elements organised in clusters of profiled, composite pulltruded elements having the same overall geometrical configuration, said clusters being further organised by ordering said clusters in increasing load capabilities of said profiled, composite pulltruded elements, or in the alternative decreasing load capabilities of said profiled,

composite pulltruded elements (the customer can be prompted to select other optional features for the room in an upgrade step, paragraph [0071], lines 1-13).

8-7. Regarding claim 7, Plaskoff et al. further disclose comprising:

said calculation program selecting, provided said comparison in step iv) establishes the non-fulfilment of said load requirements, an alternative specific profiled, composite pulltruded element from the cluster including said specific profiled, composite pulltruded element having a higher load capability (the customer could select several optional features that could be made available, paragraph [0071], lines 1-13).

8-8. Regarding claim 8, Plaskoff et al. further disclose comprising:

said calculation program selecting, provided said comparison in step iv) establishes the fulfilment of said load requirements, an alternative specific profiled, composite pulltruded element from the cluster including said specific profiled, composite pulltruded element having a lower load capability, said calculation program performing a calculation of an alternative specific load capability of said load-bearing structure comprising said alternative profiled, composite pulltruded element and performing a comparison for comparing said specific alternative load capability with said load requirements of said structure for determining whether or not said load requirements be fulfilled or not (the customer can determine whether they like the options provided, paragraph [0067], lines 25-28), and

said step v) including forwarding said positive validation response regarding said alternative profiled, composite pulltruded element from said calculation program via said homepage provided said comparison in step iv) establishes the fulfilment of said load requirements by said alternative profiled, composite pulltruded element or in the alternative,

provided said comparison in step iv) establishes the non-fulfilment of said load requirements by said alternative profiled, composite pulltruded element forwarding no validation response from said calculation program via said homepage regarding said alternative profiled, composite pulltruded element (the customer can determine whether they like the options provided and, if so, can select to proceed to step 248 to verify their selections. In step 264, if the customer does not like the options provided as choices or would prefer to include custom features, then flow diagram 200 can refer the customer to a custom contractor, paragraph [0067], lines 25-32).

8-9. Regarding claim 9, Plaskoff et al. further disclose said forwarding in step v) further including the forwarding of information regarding said specific load capability determined in step iv) and said step further including output of said information along with said positive validation response or in the alternative said negative validation response (the dimensions inputted are determined to be within acceptable threshold bounds, paragraph [0067], lines 14-17).

8-10. Regarding claim 10, Plaskoff et al. further disclose comprising step vi) further including output of drawings of said load-bearing structure composed of said specific profiled, composite pulltruded element or in the alternative said alternative profiled, composite pulltruded element (the renovation order as created ... be sent to a sales department of the renovation system, paragraph [0074]).

8-11. Regarding claim 11, Plaskoff et al. further disclose comprising:

communicating said specific profiled, composite pulltruded element or in the alternative said alternative profiled, composite pulltruded element from said homepage to an inventory program, said inventory program checking delivery times and stock of said specific profiled,

composite pulltruded element or in the alternative said alternative profiled, composite pulltruded element and returning information regarding delivery times and stock to said homepage (obtain a schedule for a start date with the customer, paragraph [0076]; construction and installation can begin. ... In one embodiment, the contractor can guaranty completion within a set time period, paragraph [0078], lines 1-6).

8-12. Regarding claim 12, Plaskoff et al. further disclose comprising:

communicating said specific profiled, composite pulltruded element or in the alternative said alternative profiled, composite pulltruded element from said homepage to a bookkeeping program, said bookkeeping program checking the price of said specific profiled, composite pulltruded element or in the alternative said alternative profiled, composite pulltruded element and any discount options and returning information regarding said price and any discount options to said homepage (an award can include a discount equivalent to the cost of a toilet, paragraph [0013], lines 5-8).

8-13. Regarding claim 13, Plaskoff et al. further disclose comprising an introductory measuring step of determining the dimensions of said load-bearing structure and a further introductory step of determining the load requirements thereof (the room designer program, in one embodiment, can prompt the customer to input dimensions such as, e.g., length, width, dimensions of appliances, fixtures, and other useful dimensions, paragraph [0067], lines 5-9).

8-14. Regarding claim 14, Plaskoff et al. further disclose comprising the final of step of building said load-bearing structure from said specific profiled, composite pulltruded element or in the alternative said alternative profiled, composite pulltruded element (construction and installation can begin, paragraph [0078], lines 1-6).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Reference to Hasegawa, U.S. Patent Application Publication No. 2001/0055023 A1 published December 27, 2001, is cited as disclosing a method for reflecting user's request in a design.

Reference to Povich, U.S. Patent Application Publication No. 2006/0031045 A1 published February 9, 2006, is cited as disclosing a method for designing a product using computer network.

10. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Herng-der Day whose telephone number is (571) 272-3777. The Examiner can normally be reached on 9:00 - 17:30.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: (571) 272-2100.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Kamini S. Shah can be reached on (571) 272-2279. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

Art Unit: 2128

system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Kamini S Shah/
Supervisory Patent Examiner, Art Unit 2128

/Herng-der Day/
Examiner, Art Unit 2128

June 22, 2009